

REMARKS

Claim Objections

Applicants respectfully disagree with the Examiner's objections to the preambles of claims 37, 43, and 49 due to informalities. However, merely to bring prosecution of this case to a resolution, and because the scope of the claims have not been narrowed thereby, Applicants have amended the preamble of claims 37, 43, and 49 in the manner suggested by the Examiner. However, Applicants have substituted the word "stored" for "encoded". As the Examiner allowed claim 58 which uses the term "storing" in the preamble, Applicants respectfully assert that the term "stored" in the preamble of claims 37, 43, and 49 should be allowable.

Claim Rejections under 35 USC 101

Applicants respectfully assert that the claims 1 and 44 are allowable under 35 USC 101. The Examiner has stated that a statutory process under 35 U.S.C. 101 must (1) be tied to another statutory category (such as a particular apparatus), or (2) transform underlying subject matter (such as an article or material) to a different state or thing (see *In re Bilski*, Case No. 07-1130, Fed. Cir., Oct. 30, 2008). Claim 1 meets both of these requirements, and claim 44 meets both of these requirements.

Regarding claim 1, the method in claim 1 is tied to an apparatus that must be able to receive a desired signal and a reference signal; must also be able to filter the reference signal it received; must be able to provide an estimated desired signal; must generate an error signal; must apply a predetermined gain function to the error signal during a predetermined period of time, wherein the predetermined period of time is independent of the error signal; and must produce an output signal. Clearly this claim is tied to an apparatus that receives a desired signal and a reference signal, which also produces an estimated desired signal, an error signal, and an output signal, and which has the ability to filter the reference signal and the apply a gain function to the error signal during a predetermined period of time. The language of claim 1 clearly imposes meaningful limits on the apparatus's scope, and thus the claim's scope, as required by the court in *In re Bilski* in order to meet the requirements under 35 USC 101.

Still regarding claim 1, the method in claim 1 also meets the second alternate test because the method of claim 1 transforms underlying subject matter (such as an article or material) to a different state or thing. For example, the method of claim 1 filters the reference signal to provide an estimated desired signal. The method also generates an error signal based on the desired and estimated desired signals. And in addition, the method applies a predetermined gain function to the error signal during a predetermined period of time to produce an output signal.

Thus claim 1 is allowable under 35 USC 101 using either of the two alternate tests outlined by the court in *In re Bilski*.

Claim 44 includes many of the same steps as claim 1, as well as several additional steps (e.g. generating an adaptive gain function based on the polynomial function and a feedback signal) that are tied to a particular apparatus and that transform underlying subject matter. Thus the same rationale for claim 1 above applies to claim 44; and as a result, claim 44 is allowable under 35 USC 101 using either of the two alternate tests outlined by the court in *In re Bilski*.

Conclusion

The Office Action contains numerous statements characterizing the claims, the Specification, and the prior art. Regardless of whether such statements were addressed by Applicants, Applicants refuse to subscribe to any of these statements, unless expressly indicated by Applicants.

Note that no amendments have been made to make the claims allowable over the prior art of record. Thus Applicants respectfully assert that the doctrine of equivalents should still be applicable to all of the claims.

Applicants believe the application is in condition for allowance which action is respectfully solicited. Please contact Susan C. Hill if there are any issues regarding this communication or the current Application.

If Applicant has overlooked any additional fees, or if any overpayment has been made, the Commissioner is hereby authorized to credit or debit Deposit Account 503079, Freescale Semiconductor, Inc.

Respectfully submitted,

SEND CORRESPONDENCE TO:

Freescale Semiconductor, Inc.
Law Department

Customer Number: 23125

By: /Daniel D. Hill/

Daniel D. Hill
Attorney of Record
Reg. No.: 35,895
Telephone: (512) 996-6839
Fax No.: (512) 996-6854